

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DONNA JOHNSON and TOM  
JOHNSON,

Plaintiffs,

V.

KDI OMAHA and EATON  
HYDRAULICS, INC.,

Defendants.

8:05CV145

# MEMORANDUM AND ORDER

Sean Johnston (“Johnston”) has filed a Notice of Appeal (filing 22). He previously filed a motion to intervene, which was denied by July 8, 2005 order of Judge Piester (filing 21). It is unclear whether Johnston is appealing Judge Piester’s order to me as a district judge pursuant to 28 U.S.C. § 636(b)(1)(A) and NECivR 72.3 or whether he intends to appeal Judge Piester’s ruling to the Court of Appeals.

I shall order Johnston to file a document with the Clerk of this Court indicating whether he intends filing 22 as an appeal to a district judge pursuant to 28 U.S.C. § 636(b)(1)(A) and NECivR 72.3 or intends it as an appeal to the Court of Appeals.

IT IS ORDERED that within 14 days of the date of this order, Johnston shall file a document with the Clerk of this Court indicating whether he intends filing 22 as an appeal to a district judge pursuant to 28 U.S.C. § 636(b)(1)(A) and NECivR 72.3 or intends it as an appeal to the Court of Appeals.

July 19, 2005

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge